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The Hon. Elizabeth P. Deavers
Magistrate Judge
United States District Court
Southern District of Ohio
Joseph P. Kinneary Courthouse, Room 208
85 Marconi Blvd.
Columbus, Ohio 43215

Re: *Lyles v. Capital-EMI Music, Inc., et al.*, Case No. 2:12-cv-00751

Dear Magistrate Judge Deavers:

I represent Capitol Records, LLC (“Capitol”) (wrongly referred to in the complaint as “Capital-EMI Music, Inc.”) in the above-referenced matter. I am writing to inform the Court that Capitol’s mailroom personnel inadvertently accepted certified-mail service of process for four individual defendants in the above-captioned matter. The Court’s clerk informed me that a letter to the Court would be the most appropriate way to raise this issue. The four individual defendants for whom service was wrongly accepted are Taio Cruz, Lukasz Gottwald, Katy Perry and Usher Raymond. My client reports that it does not have authority to accept service of process on behalf of any of these defendants.

Unfortunately, it further appears that Capitol personnel inadvertently disposed of some of the materials that were served by certified mail. Capitol apparently retained only one copy of the materials. When I spoke to the Court’s law clerk, who requested that I return the materials that had been served, I was not aware that only one copy remained.

Further compounding the problem, Capitol’s headquarters are located in New York, and are without power as a result of Hurricane Sandy. Once operations have returned to normal, Capitol will collect and return the service materials still in its possession.

We apologize to the Court for the inconvenience, and will take steps to prevent similar missteps in the future. Please let me know if the Court needs any additional information, and thank you for your consideration in this matter.

Very truly yours,



Douglas R. Cole